

## CITY OF SHEBOYGAN

# TWENTIETH REGULAR COMMON COUNCIL MEETING MINUTES

Monday, January 15, 2024

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### OPENING OF MEETING

**1. Roll Call**

Alders present: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.  
Alders excused: Felde, Ramey, and Ackley – 3.

**2. Pledge of Allegiance**

Led by Cub Scout Pack 3804

**3. Approval of Minutes**

Nineteenth Regular Council Meeting held on January 2, 2024

MOTION TO APPROVE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

**4. Resignations**

Geralynn Leannah and Kelsey Bird from the Sheboygan Sustainable Task Force effective immediately.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

**5. Public Forum**

Limit of five people having five minutes each with comments limited to items on this agenda. No one spoke.

**6. Mayor's Announcements**

Upcoming Community Events, Proclamations, Employee Recognitions

### CONSENT

**7. Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances**

Motion made by Dekker, Seconded by Salazar.

Before action was taken,

Motion to remove item #15 from the consent agenda (no objection) and refer it to the Licensing, Hearings, and Public Safety Committee

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

On original motion,

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

8. R. C. No. 171-23-24 by Finance and Personnel Committee to whom was referred R. C. 213-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 124-22-23 by City Clerk submitting a Summons and Complaint in the matter of U.S. Bank Trust Company, National Association, as Trustee vs. David J. Rosenthal et al; recommends filing the document.

**MOTION TO RECEIVE THE R. C. AND FILE THE DOCUMENT**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

9. R. C. No. 173-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 60-23-24 by City Clerk submitting a Summons and Complaint in the matter of Citibank, N.A. vs. The Estate of Rae R. Pape, Deceased et al; recommends filing the document.

**MOTION TO RECEIVE THE R. C. AND FILE THE DOCUMENT**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

10. R. C. No. 174-23-24 by Public Works Committee to whom was referred Res. No. 119-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to file an application with Wisconsin Emergency Management (WEM) for a Hazard Mitigation Grant Program (HMGP) to protect the wastewater infrastructure of the City of Sheboygan, specifically the sewer system interceptor; to execute documents necessary to accept grant funds; to designate the Director of Public Works as the City's Authorized Representative; and designating \$1,788,962.53 of local matching as required by the program; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

11. R. C. No. 176-23-24 by Public Works Committee to whom was referred Res. No. 134-23-24 by Alderpersons Dekker and Rust authorizing the Purchasing Agent to issue a purchase order for a 2024 Altec Inc. high-reach bucket truck and accessories for the Department of Public Works; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

12. R. C. No. 175-23-24 by Public Works Committee to whom was referred Res. No. 131-23-24 by Alderpersons Dekker and Rust authorizing the Purchasing Agent to issue a purchase order for a 2024 Volvo ECR145EL Crawler Excavator with Bucket and Trailer accessories for the Department of Public Works; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

13. R. C. No. 177-23-24 by Public Works Committee to whom was referred Res. No. 136-23-24 by Alderpersons Dekker and Rust authorizing the Purchasing Agent to issue a purchase order for a 2024 Toro Groundskeeper wide-area mower and accessories for the Department of Public Works; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

14. R. C. No. 179-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 86-23-24 by the City Clerk submitting a license application (Suma Brothers Inc.); recommends granting the application.

**MOTION TO RECEIVE THE R. C. AND GRANT THE APPLICATION**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

15. R. C. No. 180-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 89-23-24 by the City Clerk submitting various license applications; recommends granting the applications.

**REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE**

16. R. C. No. 182-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 132-23-24 by Alderpersons Salazar and Felde authorizing the appropriate City officials to execute the documents necessary to purchase a new Pierce Manufacturing Quint Engine for the Sheboygan Fire Department; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

**REPORT OF OFFICERS**

17. R. O. No. 90-23-24 by Police Chief Chisthopher Domagalski pursuant to section 30-50 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the Police Department for the period commencing October 1, 2023 and ending December 31, 2023. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
18. R. O. No. 91-23-24 by Fire Chief pursuant to section 24-459 of the Municipal Code, submitting the quarterly report of Benchmark Measurements for the Fire Department, for the period commencing October 1, 2023 and ending December 31, 2023. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
19. R. O. No. 92-23-24 by City Clerk submitting a claim from Eric Bubb for alleged damages to his home from sewage water. REFER TO FINANCE AND PERSONNEL COMMITTEE
20. R. O. No. 93-23-24 by City Clerk submitting a claim from Charter/Spectrum for alleged damages to their aerial facilities due to a City backhoe excavating the road. REFER TO FINANCE AND PERSONNEL COMMITTEE

21. R. O. No. 94-23-24 by City Clerk submitting a claim from Harbor Winds Hotel for alleged overstatement of personal property tax. REFER TO FINANCE AND PERSONNEL COMMITTEE
22. R. O. No. 95-23-24 by City Clerk submitting a Summons and Complaint in the matter of WellsFargo bank, N.A. vs. Estate of Robert W. Schultz c/o James Mulligan, Special Administrator of the Estate et al. REFER TO FINANCE AND PERSONNEL COMMITTEE
23. R. O. No. 96-23-24 by City Clerk submitting a communication from Van Horn Properties of Sheboygan, LLC filing a petition for Direct Annexation by Unanimous Consent for land located in the Town of Sheboygan (1.75 acres – Parcel No. 59024351652). REFER TO CITY PLAN COMMISSION

## RESOLUTIONS

24. Res. No. 141-23-24 by Alderpersons Dekker and Rust adopting a Marina and Riverfront Slips Fee Schedule.

### REQUEST TO SUSPEND THE RULES

Request made by Dekker, objected to by Filicky-Peneski

Voting Yea: Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 6.

Voting Nay: Filicky-Peneski – 1.

### MOTION TO ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 6.

Voting Nay: Filicky-Peneski

25. Res. No. 140-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute the Engagement Letter with Integra Realty Resources relating to preparation of an appraisal and appraisal review services in the pending Wal-Mart Real Estate Business Trust assessment appeal litigation.

### MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

26. Res. No. 139-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the Finance Director to proceed with the process of rescinding the excess property tax payable by Sheboygan Outboard Club related to 2023 real estate tax for Parcel No. 59281895368P and paying the incorrect amount for tax settlement.

### MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

27. Res. No. 138-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the Finance Director to proceed with the process of rescinding the excess property tax payable by Harbor Pride LLC related to 2023 real estate tax for Parcel No. 59281835115P and paying the incorrect amount for tax settlement.

### MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

28. Res. No. 142-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute the Amended and Restated Services Agreement between the City of Sheboygan and SolidaritUS Health Inc. regarding the provision of an employer health clinic for 2024. REFER TO FINANCE AND PERSONNEL COMMITTEE
29. Res. No. 143-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to remove certain uncollected delinquent personal property taxes and uncollected accounts receivable from the City of Sheboygan's general ledger as of December 31, 2023. REFER TO FINANCE AND PERSONNEL COMMITTEE
30. Res. No. 144-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute the Letter Form Proposal from SmithGroup, Inc. regarding the development of a Deland Park/Harbor Centre Marina master plan. REFER TO PUBLIC WORKS COMMITTEE

## **REPORT OF COMMITTEES**

31. R. C. No. 172-23-24 by Finance and Personnel Committee to whom was referred Gen. Ord. No. 34-23-24 by Alderpersons Dekker and Salazar re-establishing the salary schedule for alderpersons and the mayor; recommends adopting the Ordinance.

### **MOTION TO RECEIVE THE R. C. AND ADOPT THE ORDINANCE**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Perrella, Rust, Salazar – 5.

Voting Nay: Heidemann, Mitchell – 2.

32. R. C. No. 178-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Direct Referral Res. No. 137-23-24 by Alderpersons Salazar and Felde authorizing the appropriate City officials to accept and expend funds received from the Wisconsin Department of Justice as part of the Byrne Memorial Justice Assistance Grant (JAG) Program; recommends adopting the Resolution.

### **MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Salazar, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

33. R. C. No. 181-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 133-23-24 by Alderpersons Salazar and Felde authorizing application for the NAMI Wisconsin CIT and CIP Expansion Grant; recommends adopting the Resolution.

### **MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Salazar, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

## **GENERAL ORDINANCES**

34. Gen. Ord. No. 35-23-24 by Alderperson Ramey annexing territory to the City of Sheboygan, Wisconsin (Parcel # 59024351652). REFER TO CITY PLAN COMMISSION

35. Gen. Ord. No. 36-23-24 by Alderpersons Dekker and Rust amending various sections of Chapter 60 of the Municipal Code so as to reflect desired management changes regarding the Marina and Riverfront. REFER TO PUBLIC WORKS COMMITTEE

## **CLOSED SESSION**

36. **Motion to convene in closed session under the exemption provided in Sec. 19.85(1)(g), for conferring with legal counsel who is rendering oral advice concerning strategy to be adopted by the common council with respect to litigation in the following matters pending in the U.S. District Court for the Eastern District of Wisconsin: *Todd Wolf v. City of Sheboygan, et al* and *Chad Pelishek v. City of Sheboygan, et al*.**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

## **OTHER MATTERS AUTHORIZED BY LAW – None.**

## **ADJOURN MEETING**

37. Motion to Adjourn

MOTION TO ADJOURN AT 6:52 PM

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.